

**STORAGE NAME:** h0791a.ca

**DATE:** March 8, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
ANALYSIS - LOCAL LEGISLATION**

**BILL #:** HB 791

**RELATING TO:** Iona-McGregor Fire Protection

**SPONSOR(S):** Representative C. Green

**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS (PRC) YEAS 8 NAYS 0
  - (2) FINANCE & TAXATION (FRC)
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

The bill codifies all prior special acts relating to the Iona-McGregor Fire Protection and Rescue Service District in Lee County into a single act and repeals all prior special acts relating to the District's charter.

The bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter language.

No fiscal impacts are anticipated for either fiscal year 2000-01 or 2001-02 according to the Economic Impact Statement.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The 1997 Legislature created chapter 191, Florida Statutes, to provide for codification of fire control districts charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, was created by the 1997 Legislature. That section requires that no changes be made to a special districts charter as it exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 191.015, Florida Statutes, by (1) extending the deadline to codify to December 1, 2004, (2) allowing for the adoption of the codification schedule provided for in an October 3, 1997 memorandum issued by the Chair of the Committee on Community Affairs, and (3) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline. In addition, section 189.429, Florida Statutes, was amended by removing the prohibition of substantive amendments in a districts codification bill.

STATUS STATEMENT LANGUAGE

Also, section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the departments determination or declaratory statement regarding the status of the district.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to the Iona-McGregor Fire Protection and Rescue Service District. Chapter 81-414, Laws of Florida, and section 6 of chapter 87-447, Laws of Florida, which impact the District were repealed in chapter 98-464, Laws of Florida, which was a codification for the Bonita Springs Fire Control and Rescue District.

The bill declares that the District is an independent special district, and states that chapter 97-340, Laws of Florida, and chapters 191, 189, 170, 197, and 200, Florida Statutes, are applicable to the District's charter provisions.

It removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter language.

The bill provides that the District's charter may only be amended by special act.

The bill declares that if there is a conflict between this act and the provisions of chapter 97-340, Laws of Florida, those provisions of chapter 97-340, shall supersede this act.

The bill removes the unincorporated portions of Sections 34 and 35 in Township 44 South, Range 24 East from the boundaries of the District and provides that only the east half of Section 14 in Township 46 South, Range 23 East is included in the boundaries of the District. The removal corresponds with the incorporation of those areas while the modification corrects a boundary error.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1:** Provides that this act is the codification of all special acts relating to the District. States legislative intent and preserves the authority granted to the District by general law and its legislative enactments. States further intent of preserving all District authority including the authority to annually assess an ad valorem tax not to exceed 1.75 mills on the dollar.

**Section 2:** Amends, codifies, reenacts, and repeals special acts relating to the District's charter.

**Section 3:** Provides for the recreation of the District and the recreation and reenactment of a charter for the District as follows:

Section 1: Provides definitions for the charter.

Section 2 Provides for the creation of the district, its status, method of amendment, and its boundaries.

Subsection (1) provides that the District is created as an independent special taxing fire protection and rescue service district and exists for all purposes of this act, chapter 97-340, Laws of Florida, and chapters 189 and 191, Florida Statutes. Provides that to the extent of any conflict between this act and chapter 97-340, Laws of Florida, the latter shall control.

Subsection (2) provides that the district was created by special act of the Legislature and that its charter may only be amended by special act.

Subsection (3) provides for the boundaries of the District.

Subsection (4) provides that nothing in the charter shall deny the right of the chief or other governing officials of the District to render services to other places as from time to time may be deemed desirable.

Section 3: Provides that the business and affairs of the district shall be conducted and administered by a board of five commissioners who

shall serve a term of four years each. Also provides that the board may employ such personnel as deemed necessary for the proper function and operation of a fire department and shall determine the compensation for such personnel.

Section 4: Provides for the organization of the governing board and its powers and duties.

Subsection (1) provides for election of officers of the board.

Subsection (2) provides for compensation for actual expenses.

Subsection (3) requires the execution of a bond by each commissioner.

Subsection (4) provides that the district shall have and the board may exercise all the powers and duties set forth in this act, chapter 97-340, Laws of Florida, and chapters 189 and 191, Florida Statutes.

Subsection (5) provides that the District shall also hold all powers, functions, and duties as set forth in chapter 197, Florida Statutes. Also provides for how the district may be financed.

Subsection (6) provides that the methods for assessing and collecting non-ad valorem taxes shall be pursuant to general law and relevant special acts.

Subsection (7) provides that the planning requirements for the District shall be pursuant to general law and relevant special acts.

Subsection (8) provides that the district's geographic boundaries shall be as set forth in this act.

Subsection (9) provides that requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses shall be pursuant to general law and relevant special acts.

Section 5: Provides that the board shall have the right, power, and authority to levy an ad valorem tax and that the tax rate, not to exceed 1.75 mills, shall be fixed by resolution of the board. Provides legislative intent with respect to its assessment and collection.

Section 6: Provides that the district shall levy and collect ad valorem taxes in accordance with chapter 200, Florida Statutes.

Section 7: Provides that the taxes levied and assessed by the district shall be a lien upon the land so assessed and that if the taxes become delinquent, the taxes shall become part of the county tax and subject to the same penalties, charges, fees, and remedies for enforcement and collection as provided for by general law.

Section 8: Provides that a record shall be kept of all meetings of the board and that a concurrence of a majority of the commissioners shall be necessary for affirmative action by the board. Also provides that the board may adopt policies and regulations necessary for the transaction of its business and has the authority to provide all things necessary for the prevention, extinguishment, and control of fires in the District.

Section 9: Provides that the board shall have the right and power to enact a Fire Prevention Code or ordinance.

Section 10: Provides that the District shall exist until dissolved.

Section 11: Provides that no suit, action, or proceeding against the District or the commissioners shall be instituted or maintained unless the person or persons making such claim or demand have, within 30 days after the alleged accrual of such claim or demand, given notice in writing. Also provides that no suit, action, or proceeding can proceed within three months after the notice was given.

**Section 4:** Provides that this act shall be liberally construed as a remedial act for the purposes for which it was intended.

**Section 5:** Provides for the validity of remaining portions of the act should any part of the act be held void.

**Section 6:** Provides for the repeal of all previous special acts.

**Section 7:** Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 1, 1999

WHERE? News-Press in Fort Myers, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

IV. COMMENTS:

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A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

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Kyle V. Mitchell

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Joan Highsmith-Smith